

From: Tim Shea
To: Julia D'Alesandro
Date: 2/24/03 9:08AM
Subject: Re: Juror Names in the Docket

I was not aware of this statute when we prepared the rule change. The statute applies only in justice court. In most cases the rule and statute can be reconciled by recording the jurors' names in the docket at the close of trial rather than when they are sworn at the beginning. The rule keeps the names private before and during the trial, but not afterward. The judge can delay publication of the names for up to 5 days, in which case the clerk would delay entering them in the docket for 5 days or as directed by the judge. The only inconsistency would arise when a juror requests his or her name to be kept private. But, even in those cases, GRAMA recognizes the authority of the court to classify select records as private. Had I known of the statute, I probably would have suggested a change to make it a better fit, but I think we're OK.

>>> Julia D'Alesandro 02/24/03 08:42AM >>>
Tim,

Per UCA 78-5-121 (10), the names of the jurors who appear and are sworn shall be entered in the docket, which is a public record. This is not consistent with CJA 4-202.02(4)(D)(iii), which states:

(iii) After the judge has discharged the jurors, the names of the jurors who tried the case shall be a public record, unless a juror requests that his or her name be a private record and the judge finds that the interests favoring privacy outweigh the interests favoring public access. In the interests of justice the judge may delay release of the names for up to 5 business days after discharging the jurors.

The statute and rule may need to be reviewed for consistency.